

## **REMARKS/ARGUMENTS**

### ***Amendments in General***

1. Applicant presents the following amendments and arguments in response to the Examiner's Office Action, which cited new references against the Applicant. In as much as the Applicant has not had an opportunity previously to respond to any arguments or rejections made by the Examiner in view of these references, Applicant respectfully requests that these amendments be entered and that consideration of the aforementioned arguments take place.
2. Claims 1 and 8 have been amended to clarify that the rows of teeth extend to a central location in a general V or chevron shape. This feature is fully supported by the claims of the specification and adds no new matter to the application and acceptance of these amendments, and withdrawal of the Examiner's rejections in view of these amendments is respectfully requested.
3. Claim 4 has been canceled from the Application and the limitations set forth therein incorporated into Claim 1.
4. Claim 5 has been amended to remove the repetition of material previously set forth in claim of the application.

### ***Claim Rejections - 35 USC §102***

5. The Examiner rejected claims 1, 2 and 4-7 under §102(b) as being anticipated by Smith.
6. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.
7. Claims 1 and 8 have been amended to include the limitation that the rows of teeth extend toward the center in a generally Chevron or V shaped type of arrangement.
8. The Smith reference does not teach this feature. The Smith reference teaches sets of flights that extend to a set of teeth. However, flights are not teeth and the flights do not extend all of the way to the generally mid-circumferential axis, as the claims of the present invention require.

9. Furthermore, the Smith device includes teeth, which are generally perpendicularly oriented with regard to the orientation of mid-circumferential axis, this is also expressly disclaimed in the claims of the present invention.

10. These features are specifically included in the claims of the present application, not shown or described in the Smith reference, and the features which are shown in the Smith reference are specifically disclaimed in the description of the present invention. Therefore, Applicant respectfully submits that the Smith reference is not an anticipatory prior art reference.

### *Claim Rejections - 35 USC § 103*

11. The Examiner rejected claims 8 and 9 under §103(a) as being unpatentable (obvious) in view of Smith when combined with Peterson.

12. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicant’s disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” MPEP §706.02(j).

13. The law regarding obviousness is clear--any modification of the prior art must be suggested or motivated by the prior art.

14. The present invention is a feed roller that is configured to collect and feed material into a hammermill where it will be broken into tiny pieces. In order to accomplish this, the teeth of the feed roller of the present invention are configured in a V or Chevron shape, which extends from the left and right sides of the feed roller to a generally central location. This configuration pulls material from the sides, smashes them and feeds them into the hammermill.

15. The Peterson device teaches a device with teeth arranged in a serpentine wave which are off set so that the peaks and troughs of the various rows are off set. This configuration acts to spread the material which is being fed into the device. This configuration enables bouncing and spreading of the material that is being processed. This is in strict opposition to the present invention and the Smith reference which are intended to centralize and feed materials into another processing device.

16. In as much as the Peterson device and the Smith device are opposite purposes, and opposite structure it would not be obvious to combine the teachings of these references. The two references teach away from their intercombination.

17. Furthermore, even if combined, this combination would not result in the combination which is found in the claims of the present application.

18. As described earlier, the claims of the present application have been amended to include the presence of various features which are simply not found in the Smith reference and the combination of the Smith reference with the Peterson reference fails to overcome these fundamental failings. As a result, all of the features which are set forth in the claims of the present invention cannot be found in the combination of the Smith and Peterson references and thus a prima facie case of obviousness regarding these claims has not been made.

19. In particular the combination of references which has been assembled by the Examiner fails to teach the presence of rows of teeth extending from the lateral sides of a feed roller to a generally central portion. This combination also fails to teach the arrangement of these rows of teeth in aligned, generally V-shaped chevrons; the positioning of all of these rows in a generally non-perpendicular orientation with regard to the mid-circumferential axis of the roller, and the angling of the teeth on the grinder.

20. In as much as these features that are set forth in the claims of the present invention are not included in the references which have been cited by the Examiner, Applicant respectfully submits that the present invention is not an obvious modification of these prior art references. Applicant therefore respectfully requests that the Examiner's rejection of these claims be withdrawn, and the present application be passed on for allowance.

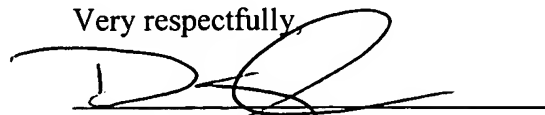
### *Conclusion*

Reconsideration and allowance of the application as amended is respectfully requested.

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

DATED this 16<sup>th</sup> day of October, 2006.

Very respectfully,



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Serial # 10/829,086  
Examiner: PAHNG, JASON

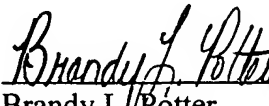
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Brandy L. Potter